

REMARKS

Claims 1 to 3, 5 to 9, 17, 19 and 20 to 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 20 of Snawerdt (US 6,469,816). Claims 1 to 3, 5 to 9, 17, 18 and 20 to 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 14 of Snawerdt (US 6,476,952). Claims 1 to 3, 6, 17, 20, 21 and 24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 19 of co-pending application of Snawerdt (US Application Serial No. 09/809,936). The drawings were objected to under 37 C.F.R. §1.83(a) for not showing the feature "a securing device for securing the delay loop fiber" as specified in claim 1.

Claims 1 to 3 and 5 to 8 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

Claims 1, 2, 5, 7 to 10, 17, 18 and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hansen et al. (US 6,271,950). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hansen et al. and further in view of Ono et al. (US 6,097,525). Claims 3 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hansen et al. and further in view of Siegel (US 4,998,295). Claims 1, 2, 5, 7 to 10, 17, 18, and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. (US 6,549,311). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. and further in view of Ono et al. Claims 3 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. and further in view of Siegel. Claims 1, 2, 5, 7 to 10, 17, 18, and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. (US 6,335,814). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. and further in view of Ono et al. Claims 3 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. and further in view of Siegel. Claims 15, 16, and 19 were objected to as being dependent upon a rejected base claim but were indicated as allowable if rewritten in independent form.

Claim 17 has been amended to include the limitations of allowable claim 19, which has now been canceled. Claim 24 has been canceled without prejudice. Dependent claims 25 and 26 have been added.

Reconsideration of the application based on the following is respectfully requested

Double Patenting Rejection

Claims 1 to 3, 5 to 9, 17, 18 and 20 to 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 20 of Snawerdt (US 6,469,816). Claims 1 to 3, 5 to 9, 17, 18 and 20 to 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 14 of Snawerdt (US 6,476,952). Claims 1 to 3, 6, 17, 20, 21 and 24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 19 of co-pending application of Snawerdt (US Application Serial No. 09/809,936).

On April 7, 2004 applicants filed three terminal disclaimers together with the required check of \$165.00 for three terminal disclaimers of a small entity, including two terminal disclaimers with regard to US 6,469,816 and US 6,476,952 signed and submitted by the attorney of record on April 7, 2004. Submitted herewith is a copy of the stamped return receipt postcard mentioning the two terminal disclaimers and showing proper receipt by the USPTO. Withdrawal of the obviousness-type double-patenting rejections with respect to the '816 and '952 patents is respectfully requested.

With respect to the '936 application it is respectfully submitted that such application claims do not make the present claims obvious. For example with respect to claim 1 no securing device is claimed in the '936 application, nor has any been asserted. Nor has "a faceplate having a fiber tap signal device for indicating a fiber tap" been claimed in the '936 application.

Claim 24 of the present application has been canceled, and claim 17 amended to include an indicated allowable limitation. Withdrawal of the obviousness type provisional rejection is respectfully requested.

Objection to Drawings under 37 C.F.R. §1.83(a)

The drawings were objected to under 37 C.F.R. §1.83(a) for not showing the feature “a securing device for securing the delay loop fiber” as specified in claim 1.

Claim 1 has been amended to recite the fastening device described at page 4, lines 10 to 13.

A fastening device for the fiber loop 46 is shown in Fig. 2. For example spindle 47 is a fastening device. The specification has been amended for clarification. Support is found in the original specification at page 4, lines 10 to 13 for example.

Withdrawal of the objection to the drawings is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1 to 3 and 5 to 8 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

The claims have been amended to recite the fastening device described for example at page 4, lines 10 to 13 of the specification. The detailed description has been amended for clarity to describe the fastening or securing device.

Withdrawal of the rejections under 35 U.S.C. §112, first paragraph is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 2, 5, 7 to 10, 17, 18 and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hansen et al. (US 6,271,950). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hansen et al. and further in view of Ono et al. (US 6,097,525). Claims 3 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hansen et al. and further in view of Siegel (US 4,998,295). Claims 1, 2, 5, 7 to 10, 17, 18, and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. (US 6,549,311). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. and further in view of Ono et al. Claims 3 and 21 were

rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Hakki et al. and further in view of Siegel. Claims 1, 2, 5, 7 to 10, 17, 18, and 20 to 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. (US 6,335,814). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. and further in view of Ono et al. Claims 3 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. in view of Fuse et al. and further in view of Siegel. Claims 15, 16, and 19 were objected to as being dependent upon a rejected base claim but were indicated as allowable if rewritten in independent form.

Claim 17 has now been amended to recite the limitations of allowable claim 19, and claim 24 has been canceled without prejudice.

With respect to claim 1, it is respectfully submitted that none of the prior art shows a fastening device for a delayed fiber loop, nor would it have been obvious to have provided any. It is noted that the fastening device is a separate and distinct element from the interferometer.

With respect to claim 9, none of the cited prior art shows a faceplate having a fiber tap signal device for indicating a fiber tap.

Duncan differs in more respects with respect to claim 9 than asserted in the Office Action for all rejections involving Duncan (see for example page 10). No fiber tap signal device has been asserted nor is there any in Duncan.

Withdrawal of the rejections under 35 U.S.C. §103(a) thus is respectfully requested.

New claims

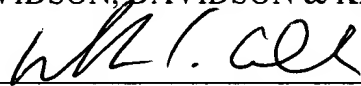
New claims 25 and 26 recited further features of the fastening or securing device.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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